

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD BARRON,

Plaintiff,

No. CIV S-04-1197 GEB GGH P

vs.

DR. USHA PAI, et al.,

Defendants.

ORDER

\_\_\_\_\_/

Plaintiff has filed a second request the appointment of counsel. The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not find the required exceptional circumstances. Plaintiff's request for the appointment of counsel will therefore be denied.

////

////

////

1                   Accordingly, IT IS HEREBY ORDERED that plaintiff's May 31, 2006 second  
2 request for the appointment of counsel is denied.

3 DATED: 6/28/06

/s/ Gregory G. Hollows

4  
5 GREGORY G. HOLLOWS  
UNITED STATES MAGISTRATE JUDGE

6 GGH:bb  
7 barr1197.31(2)  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26